



United States
Department of
Agriculture

Forest
Service

Rocky
Mountain
Region

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Golden, CO 80401
Voice: 303-275-5350
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File Code: 1570

Date: September 30, 2010

Steve Smith, Wilderness Society
Central Rockies Office
1660 Wynkoop St., Suite 850
Denver, CO 80202

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED**

Dear Mr. Smith

On August 16, 2010, you filed a notice of appeal on the Gunnison National Forest Travel Management Plan decision. Your appeal was timely, filed pursuant to 36 CFR 215, and challenged Forest Supervisor Charlie Richmond's decision on various aspects of the Plan. Your appeal was assigned number 10-02-09-0064 for tracking purposes.

I have weighed the recommendations from the Appeal Reviewing Officer (ARO) and incorporated them into this decision. A copy of the ARO's recommendation is enclosed. This letter constitutes my decision on your appeal including the specific relief requested.

Action Appealed

The Gunnison National Forest signed a decision to improve travel management on National Forest System lands within the Gunnison and Paonia Ranger Districts of the Grand Mesa, Uncompahgre and Gunnison (GMUG) National Forests on June 28th, 2010. This decision was needed to design a sustainable transportation system that provides:

- Public and management access;
- Recreational opportunities;
- Natural and cultural resource protection;
- Public safety; and
- Agency management success.

Your letter expressed concern about possible legal inadequacies of the process and the decision. You noted potential failures and shortcomings regarding required analysis, responses to public comments, impact minimization requirements, reasonable alternatives, and route-specific comments.

Appeal Reviewing Officer's Findings and Recommendation



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Your appeal was formally reviewed by a US Forest Service team, led by ARO Bill Dunkelberger. This team provided an objective review and was not involved in the development, analysis or decision of the Gunnison Travel Management Plan. The team evaluated your appeal and the project record, providing a recommendation to me. The ARO found your appeal contained multiple issues which are summarized in the enclosed recommendation letter. He recommends the Forest Supervisor's decision be affirmed in part with instructions, and reversed in part in regards to the designation decision of the Continental Divide National Scenic Trail (CDNST) (rationale is articulated in the enclosed ARO letter).

Decision

After considering the appeal and project record, I agree with ARO Dunkelberger's analysis as presented in the enclosed recommendation letter. I affirm the majority of Forest Supervisor Charlie Richmond's decision, with the two explicit exceptions:

1. The designation decision of the CDNST is reversed with the following and instructions:
 - The CDNST is excluded from this decision and will revert to the previous decision related to travel management, which includes motorized travel. This direction is consistent with 36 CFR 212.50 (b), stating "the responsible official may incorporate previous administrative decisions regarding travel management made under other authorities, including designations and prohibitions of motor vehicle use..."
 - This change is effective immediately and should be reflected on the motor vehicle use map (MVUM).
 - The Gunnison National Forest shall analyze the Monarch Crest Trail within a larger context of CDNST management. A subsequent decision on designation of Monarch Crest Trail will be incorporated into travel management pursuant to revision designations in 36 CFR 212.54.
2. The designation of Routes 578 and 578.2A is affirmed with the following instructions (rationale is articulated in the attached ARO letter):
 - Reconsider the legal and feasible access to Routes 578 and 578.2A. A resolution should be briefly explained in a letter addressed to me, with a copy to the appellants.
 - If changes to the designations of Routes 578 and 578.2A or other adjacent routes are needed, then the method for changing the Travel Management Plan decisions with respect to these roads must be fully consistent with the National Environmental Protection Agency, the Council on Environmental Quality implementing regulations, and the Forest Service's environmental policies and procedures in 36 CFR Part 220, FSM 1950, and FSH 1909.15.

This project may be implemented on, but not before the 15th business day following the date of this letter (36 CFR 215.9(b)). This decision constitutes the final administrative determination of the Department of Agriculture (36 CFR 215.18(c)).

Sincerely,

/s/ Maribeth Gustafson
MARIBETH GUSTAFSON
Deputy Regional Forester,
Operations

cc: Charles S Richmond
Bill Dunkelberger
Trey C Schillie